

LAW OFFICES

CAESAR, RIVISE, BERNSTEIN, COHEN & POKOTILOW, LTD.

PATENTS, TRADEMARKS, COPYRIGHTS

ALAN H. BERNSTEIN
STANLEY H. COHEN
MANNY D. POKOTILOW
BARRY A. STEIN
MARTIN L. FAIGUS
ERIC S. MARZLUF
ROBERT S. SILVER
MICHAEL J. BERKOWITZ
SCOTT M. SLOMOWITZ*

MONA GUPTA
DAVID M. TENER
SALVATORE R. GUERRIERO*
JAMES J. KOZUCH
WILLIAM J. CASTILLO†
FRANK M. LINGUITI
GARY A. GREENE
MICHAEL J. CORNELISON
BRUCE J. CHASAN

MARINA E. VOLIN*
KEVIN A. KEELING
LYNN M. TERREBONNE, PH.D.
MARC B. BASSLER
WILLIAM C. YOUNGBLOOD*

PATENT AGENTS
MELISSA HANDLER, PH.D.
DANA M. KOLESAR

A.D. CAESAR (1901-1995)
CHARLES RIVISE (1900-1951)

COUNSEL
ALLAN H. FRIED, PH.D.

* ALSO ADMITTED TO PRACTICE IN NJ
† ADMITTED ONLY IN N.J. AND N.Y.

FACSIMILE TRANSMITTAL SHEET

August 12, 2004

TO: U.S. Patent and Trademark Office
Grp. Art Unit: 1641
FACSIMILE NO.: (703) 746-4060
FROM: Marina E. Volin, Esq.
NO. of PAGES: 18 (Including Cover)
Our Reference No.: T1118-20102

IF YOU DO NOT RECEIVE ALL THE PAGES INDICATED
ABOVE, PLEASE CALL US BACK AS SOON AS POSSIBLE.

This transmittal contains PRIVILEGED AND CONFIDENTIAL information intended only for the use of the addressee. If you are not the intended recipient, you are hereby notified that any dissemination or copying is strictly prohibited. If you have received the transmission in error, please call us immediately by telephone (collect) and we will make arrangements with you to have the original facsimile returned to us at our expense. Thank You.

FACSIMILE TRANSMISSION CERTIFICATION

I hereby certify that this correspondence (Copy of Notice to File Missing Parts of Non-Provisional Application, Response to Notice to File Missing Parts of Non-Provisional Application, Preliminary Amendment, Appendix page, Sequence Listing (pages 1-5), Declaration and Power of Attorney, and Fee Transmittal Sheet) regarding the application identified below, is being transmitted via facsimile to the United States Patent and Trademark Office on August 12, 2004

Marina E. Volin
Marina E. Volin, Reg. No. 52,328

First Named Inventor: Michael M. GRUNSTEIN

Serial No: 10/645,913

Group Art Unit: 1641

Filed: August 21, 2003

Examiner: Not yet known

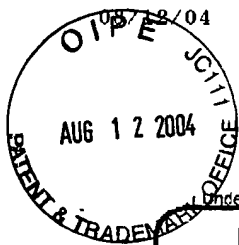
Att. Docket No.: T1118/20102

Confirmation No.: 9590

For: COMPOSITIONS AND METHODS FOR TREATMENT OF ASTHMA

11th Floor · Seven Penn Center · 1635 Market Street · Philadelphia, PA 19103-2212

Telephone: 215-567-2010 · Fax: 215-751-1142 · www.crbcn.com



08/12/04 10:55 FAX 215 751 1142

CAESAR RIVISE

002

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0851-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 65.00

Complete if Known

Application Number	10/645,913
Filing Date	August 21, 2003
First Named Inventor	Michael M. GRUNSTEIN
Examiner Name	Not yet Known
Art Unit	1641
Attorney Docket No.	T1118/20102

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit Account Number
Deposit Account Name

03-0075

Caesar, Rivise et al.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$) 0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	65.00
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 960	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 65.00

SUBMITTED BY

Name (Print/Type)	Marina E. Volin	Registration No. (Attorney/Agent)	53,328	Telephone	215-567-2010
Signature	<i>Marina E. Volin</i>	Date	August 12, 2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-0100 and select option 2.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/645,913	08/21/2003	Michael M. Grunstein	T1118/20102

03000
CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOV, LTD.
11TH FLOOR, SEVEN PENN CENTER
PHILADELPHIA, PA 19103-2212

CONFIRMATION NO. 9590

FORMALITIES LETTER



OC000000013458355

Date Mailed: 08/05/2004



NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

08/16/2004 CNGUYEN 00000003 030075 10645913

01 FC:2051 65.00 DA

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

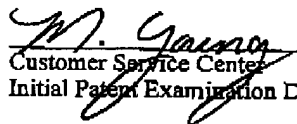
SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT EXAMINING OPERATION

Applicant(s): Michael M. GRUNSTEIN et al.

Serial No: 10/645,913

Group Art Unit: 1641

Filed: August 21, 2003

Examiner: Not yet known

Att. Docket No.: T1118/20102

Confirmation No.: 9590

For: COMPOSITIONS AND METHOD FOR TREATMENT OF ASTHMA

**RESPONSE TO NOTICE TO FILE MISSING PARTS
OF NONPROVISIONAL APPLICATION**Mail Stop MISSING PARTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the August 5, 2004 "Notice To File Missing Parts Of Nonprovisional Application Filed Under 37 CFR 1.53(b) – Filing Date Granted," a copy of the Notice and Declaration executed by the inventors from U.S. Application Serial No. 09/261,104 are attached.

Regarding the Declaration, a copy of the Declaration from the parent application is being submitted in this continuation application and is labeled with the Application Serial No. 10/645,913.

Regarding the Sequence Listing, a paper copy of the Sequence Listing enclosed herein is being submitted in a preliminary amendment for incorporation into the specification.

Authorization to charge the surcharge under 37 CFR 1.16(e) to our deposit account is granted in the attached Fee Transmittal.

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOV, LTD.

August 12, 2004

By Marina E. Volin
Marina E. Volin
Registration No. 52,328
Customer No. 03000
(215) 567-2010
Attorneys for Applicant(s)

Please charge or credit our Account
No. 03-0075 as necessary to effect
entry and/or ensure consideration of
this submission.